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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (s) No. 1803 of 2005

Petitioner — Biswajeet Biswas, age 38 years, S/o. Shri A.K. Biswas, Forest Ranger (Suspended) Jagdalpur Circle Jagdalpur.

Versus

Respondents

1) Govt. of Madhya Pradesh through the Secretary Forst Department, Vallabh Bhavan, Bhopal.

2) The Additional Principal Chief Secretary of Forest (Non Gazetted) Satpuda Bhawan, Bhopal.

3) The Divisional Forest Officer, South Bastar, Forest Division, Sukma, Dist. Dantewada, CG.

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:

Shri Subhash Yadav, counsel for the petitioner.
Shri V.V.S. Murthy, Deputy Advocate General with Ms. Sunita Jain, Panel Lawyer for respondent No.3/State.

ORAL ORDER
(Passed on 4th May, 2007)

By this petition, the petitioner has assailed the legal validity of the order of suspension contained in Annexure A/2 and the charge sheet contained in Annexure A-1.

2. It is submitted by Shri V.V. S. Murthy, learned counsel for the State that the order of suspension was revoked on 8-3-1999, when the matter was pending before the M.P. Administrative Tribunal. At this juncture, Shri Subhash Yadav, learned counsel for the petitioner submitted that by such revocation the writ petition has not become infructuous inasmuch as the petitioner has called in question the legal propriety of the issue of charge-sheet contained in Annexure A-1.

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Learned counsel has submitted that the Tribunal had directed stay of the departmental enquiry and during the continuance of the stay, other employees were proceeded in respect of the same charges and they have been exonerated of the same.

3. Having heard Shri Yadav, learned counsel for the petitioner and Shri V.V.S. Murthy, learned counsel for the State, I am of the considered opinion that the writ petition can be disposed of on following terms:

(a) Since the order of suspension has been revoked by the competent authority, the petitioner would be entitled to get the benefit of the period of suspension.

(b) If the charges framed against other co-delinquents and if the disciplinary proceedings initiated against them have ended in exoneration and the charges against the petitioner are similar, the disciplinary authority would be well advised to consider the case of the petitioner on the anvil of parity and pass a definite and clear order so that a similarly placed person does not suffer the humiliation of continuance of disciplinary proceeding solely because he has approached the Tribunal at the earlier stage.

(c) The aforesaid exercise shall be completed within a period of two months from the receipt of the order passed today.

4) With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

C.C. as per rules.

Sd/-
Satish K. Agnihotri
Judge

Raju